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SUBJECT: HUMAN RIGHTS DIALOGUE: HRD DELEGATION WORKING DINNER WITH ASSISTANT FOREIGN MINISTER LIU JIEYI, MAY 26

REFS: A) 07 Beijing 6950
B) 07 Beijing 6770

Classified by Acting Political Section Chief Ben Moeling. Reasons 1.4 (b) and (d).

SUMMARY

¶1. (C) Making human rights a positive aspect of the U.S.-China relationship is our shared goal, PRC Assistant Foreign Minister Liu Jieyi told DRL Assistant Secretary David Kramer during a working dinner on May 26 following the conclusion of the U.S.-China Human Rights Dialogue (HRD) earlier that day. (See septels for other meetings associated with the HRD.) The Chinese delegation discussed the PRC's plans for unveiling a two-year "National Action Plan" on human rights that will begin on January 1, 2009. The delegations discussed Tibet at length. A/S Kramer raised the issue of trials of Tibetan suspects, asserting that lawyers should be able to represent those charged without repercussions and requesting that U.S. observers be allowed at trials. In its reply, the Chinese delegation focused mainly on citing statistics to "prove" the great progress Tibet has made under PRC rule. AFM Liu pointed to PRC policies purportedly designed to protect the Tibetan religion and culture, and he criticized the Dalai Lama for the way he ruled Tibet prior to 1951 as well as his unceasing "political" activities since then. Despite the Dalai Lama's expressions of support for the Games, he has also said the Olympics are Tibet's "last chance," AFM Liu said. China's differences with the "Dalai side" are not about human rights, religion or culture, but rather are issues of China's sovereignty and territorial integrity. On the question of trials, AFM Liu said that individual Chinese courts will make decisions on observer requests in accordance with the law. A/S Kramer emphasized that the Dalai Lama is a man of peace. The USG hopes that, in the next round of talks between China and the Dalai Lama's representatives, the two sides can work toward resolution of the many issues between them, A/S Kramer stated.

¶2. (C) Summary Continued: A/S Kramer said the United States requests that further protection and respect be provided for the culture, language and religious traditions of Uighur Muslims in China. AFM Liu cited several "basic facts" about Xinjiang to demonstrate the province's economic, social and cultural development under Chinese rule. Ambassador-at-Large for International Religious Freedom John Hanford presented further views on U.S. concerns over religious freedom in China. The U.S. delegation expressed its hope that China will end its compulsory birth limitation regime and instead move to voluntary family planning. AFM Liu replied that China's family planning policies have brought benefits to the Chinese people and the entire world. On possible next steps, A/S Kramer suggested the two sides think about October or November of this year for the next round of talks, either in Washington or Beijing. The goal now is to achieve concrete results, he emphasized. China has a "positive" attitude toward continuing our exchange and dialogue on human rights, AFM Liu said, commenting that our two sides should together consider next steps and discuss the details of a next meeting. End Summary.

THE HUMAN RIGHTS DIALOGUE AND BILATERAL RELATIONS

13. (C) Upon conclusion of the May 26 U.S.-China Human Rights Dialogue (HRD), and immediately following a meeting with Foreign Minister Yang Jiechi (see septels), PRC Assistant Foreign Minister Liu Jieyi hosted a working dinner for DRL Assistant Secretary David Kramer and the U.S. delegation. Referring to the "very good" human rights dialogue that had just concluded, AFM Liu said making human rights a positive aspect of the U.S.-China relationship is our shared goal. The United States and China are capable of carrying out a sound, cooperative dialogue that can promote human rights globally and within our respective countries. As the 30th anniversary of our bilateral relationship approaches, we should reflect upon the remarkable headway we have made. Our bilateral relationship has reached a level of "unprecedented depth and breadth." China is ready to work with the United States to promote cooperative, constructive relations to ensure the long-term growth of the bilateral relationship, AFM Liu said.

CHINA'S "NATIONAL ACTION PLAN" ON HUMAN RIGHTS

14. (C) In response to questions about China's upcoming "National Action Plan (NAP)" on human rights that was mentioned in that day's formal round of dialogue, Dr. Shen Yongxiang, Deputy Director General of the MFA Department of International Organizations and Conferences, provided further details. As we approach the 60th anniversary of adoption of the Universal Declaration on Human Rights, Shen said, the Chinese Government decided the best way to celebrate the Declaration would be to secure and protect human rights in China through developing this NAP. The concept of a NAP has already been approved by the State Council. An inter-ministry mechanism involving 40 to 50 Chinese ministries and commissions will meet to develop the plan in

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detail, led by the State Council Information Office and the Ministry of Foreign Affairs. When developing the plan, the Chinese Government is prepared to "solicit extensively" the views of NGOs and the academic community. The action plan will address economic, social and cultural rights, as well as civil and political rights.

15. (C) The NAP will cover two years, beginning January 1, 2009 and ending December 31, 2010. The NAP will include objectives for that two-year period, to include measures specifying each ministry's responsibilities and a built-in mechanism for a mid-term assessment. China believes that by participating in this action plan, the legislative, executive and judicial branches of the Chinese Government will strengthen awareness of human rights in China. The NAP will be released before the end of this year, but a specific date has not yet been set.

TIBET

16. (C) A/S Kramer noted the U.S. delegation's concern about the trials of Tibetan protestors allegedly linked to the March 2008 unrest. First, lawyers should be able to represent those charged without facing repercussions. Second, the United States hopes to have the ability to send observers to attend trials, A/S Kramer stated, emphasizing that this request is not limited to the trials of Tibetans. Allowing for diplomatic observers at trials would be a positive confidence-building measure between the United States and China, A/S Kramer said.

17. (C) AFM Liu launched into a lengthy response on Tibet by first suggesting that the representative from the Tibetan Autonomous Region (TAR), Suolang Renzeng, Deputy Director General (DDG) of the TAR United Front Work Department, provide background information on the situation in the TAR, which would "lay the foundation for further discussion." DDG Suolang Renzeng began with a recitation of figures designed to demonstrate the great progress made in the TAR under PRC rule. The PRC Central Government attaches great importance to human rights in Tibet, he claimed, with the "unprecedented changes" that have taken place since "peaceful liberation" in 1951 among its most important human rights achievements. In 1951, Tibet had a population of approximately 1 million; today's population is 2.84 million. Tibetans and other minorities account for 95 percent of the TAR's

population. Life expectancy has risen from 35.7 years in 1959 to 67 years today. Per capita GDP in 1965 was 241 renminbi (RMB); today it is RMB 12,000. Before 1950, 900,000 people had no homes, out of a population of one million; today, nearly every household "enjoys a bright, new home." On average, every two people have one mobile or land-line phone. Before liberation, there were no modern schools, and there were only 2,000 students. Today more than 540,000 children are enrolled in schools. Prior to liberation, there were only 400 doctors; now there are 9,095. The Central Government has carried out an ethnic regional autonomy system, with 80 percent of all government jobs in Tibet held by ethnic Tibetans or other minority groups. Thanks to government support, Tibet has enjoyed swift economic and social development. At present, all ethnic groups are happy and enjoy a comfortable life in Tibet, DDG Suolong Renzeng concluded.

¶18. (C) AFM Liu then explained PRC policies that he said are designed to protect the Tibetan religion and culture in the TAR. More than 46,000 monks and nuns reside in the TAR. There is one monastery for every 1,600 people in Tibet. The Central Government has allocated large sums of money for the renovation of the Potala Palace and other Tibetan religious sites. When the Dalai Lama was in Tibet, there were no institutes of Tibetology. At present, there are more than 50 Tibetology institutes, staffed mostly by ethnic Tibetans. Both Mandarin Chinese and Tibetan are used in the TAR, though precedence is given to Tibetan. From these basic facts, AFM Liu argued, one can see the great progress Tibet has made, since China has protected culture, grown the economy and promoted Tibetology and religious freedom, all in accordance with the Chinese constitution.

¶19. (C) AFM Liu argued that the Dalai Lama is part of the "old Tibet," a theocracy that combined religion and politics. Serfdom was practiced in Tibet, and the Dalai Lama's family owned 6,000 serfs. After the Dalai Lama went overseas, he did not give up his "political motives." The Dalai Lama has made many remarks over the years, but it is more important to look at his actions. According to the "so-called charter" of the "so-called government-in-exile," the Dalai Lama is the "head of state" of this "so-called independent government." The Dalai Lama has never renounced this charter. Although on his overseas visits the Dalai Lama often discusses religion, he is pursuing a political objective. For example, his emphasis on a "higher degree of autonomy" would be applied according to his own definition of a "greater Tibetan area," which includes not only the TAR but surrounding ethnic Tibetan areas, comprising one-fourth of China's territory and having no historical basis. The Dalai Lama has also said that other ethnic groups must be removed from these Tibetan areas. In the 21st century, if the creation of a state based on a single ethnic group and the removal of all other groups is not "ethnic cleansing," then what is, AFM Liu asked.

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¶10. (C) Turning to the Olympics, AFM Liu said the Dalai Lama has stated that he "supports" the Beijing Olympic Games, but he has also said that the Olympics are Tibet's "last chance." Thus, one has to wonder, does the Dalai Lama "support" the Games themselves, or does he merely support the Games because they create an opportunity for him and his followers to create trouble? The Dalai Lama says he is against violence, but serious "burning, smashing, and looting" took place on March 14. The Dalai Lama has subsequently said that he recognizes demonstrations in "all forms." Given that he made these remarks after March 14, it is clear that such remarks should be viewed as "inciting" violence and "conniving" to make trouble. Thus, though the Dalai Lama may have said one thing in public, his actions show his "true motives." AFM Liu stressed that China's differences with the "Dalai side" are not about human rights, religion or culture, but rather are issues of China's sovereignty and territorial integrity. The United States has declared that it recognizes Tibet is part of China. China hopes the United States will "genuinely show" that this is its position when dealing with the Dalai Lama.

¶11. (C) On the question of trials, AFM Liu said that China has "clear legal provisions" that do not differ greatly from those of other countries. China guarantees that defendants will have access to legal representation, and ensures the use of the Tibetan language, or a Tibetan interpreter, in that representation. Chinese law also fully guarantees the rights of lawyers, AFM Liu said. No lawyer

would be subject to legal sanction just because he provided legal representation according to the law. The same rules regarding observers at trials apply nationwide. There are legal provisions regarding observation. An application needs to be submitted to the relevant court, which then will decide whether to allow foreign observers. Recently, some EU diplomats made an application and received PRC approval to attend a trial involving a review of a death sentence case in the second instance.

¶12. (C) A/S Kramer noted that, in a meeting scheduled for the next day with a Vice Minister at the United Front Work Department, there would be further opportunity for an exchange of views on Tibet. A/S Kramer said he hoped there could be a narrowing of the differences in our respective views on Tibet over time. He emphasized that the Dalai Lama is a man of peace. The USG hopes that, in the next round of talks between China and the Dalai Lama's representatives, the two sides can make concrete progress toward resolution of the many issues between them. The United States would like to see the two sides meet again as soon as possible. AFM Liu replied that China had already informed the U.S. Government of the contact between the PRC Government and representatives of the Dalai Lama. However, this contact is between the PRC and the "Dalai side," and does not require any "management" by the United States. China hopes the PRC's "goodwill" will not be "misappropriated" and wishes the Dalai Lama will create a positive atmosphere by ceasing to promote violence, split China and disrupt the Olympics. The May 4 contact marks a new beginning. The PRC is sincere. As long as the "Dalai side" shows its sincerity, there will be another "contact" between the two sides at an early date, AFM Liu said.

XINJIANG/UIGHUR MUSLIMS

¶13. (C) A/S Kramerraised the subject of protecting the rights of Uighurs in China. Although terrorism is an important issue, and the United States recognizes the East Turkestan Islamic Movement (ETIM) as a terrorist group, it is important not to stereotype an entire population based on the actions of a small group of people. The United States requests that further protection and respect be provided for the culture, language and traditions of Uighur Muslims in China. We have also heard reports of the forced movement of Uighurs to other parts of China, A/S Kramer stated.

¶14. (C) AFM Liu cited several "basic facts" about Xinjiang. Over the last 30 years, the average income in Xinjiang has increased from RMB 300 to RMB 10,120. Life expectancy has increased dramatically. Xinjiang enjoys active exchanges with the outside world, for example with a number of civil aviation organizations, and has "exchanges" with 148 countries. The PRC has invested RMB 443 billion (USD 64.5 billion) in Xinjiang, mainly for infrastructure. This year, the Central Government has allocated RMB 7 billion (USD 1.02 billion) to manage environmental protection for the Tarim River. There are many religious beliefs practiced in Xinjiang, including Islam, Buddhism, Protestantism, Catholicism, Eastern Orthodox Christianity and Taoism. There are more than 24,000 religious sites in Xinjiang, including 23,700 Islamic mosques employing some 29,000 people. Xinjiang has six large-scale monasteries that have trained many overseas students. From 1978 to 2005, more than 2,000 students graduated from Islamic Scripture Institutes in China, with 1,530 having already taken up religious posts. There are nearly 600 religious teachers and 2,000 students. Seven languages are regularly used in Xinjiang, including Uighur, Mandarin, Kazakh, Kyrgyz, Russian and Mongolian. More than 700 middle schools use the Uighur language for instruction. From these figures and Xinjiang's progress to date, one can see the effectiveness of the Central Government's policies, AFM Liu said.

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¶15. (C) Regarding the removal of Uighur women to other parts of China, AFM Liu said that the MFA spokesperson had already responded to these allegations some time ago. China "knows who said this," AFM Liu stated, and knows that person has done so for the purpose of spreading "rumors and lies." If such behavior existed, there would not be only one or two reports, but everyone would know such a thing was going on. Rest assured, there is no such thing happening in China, AFM Liu declared.

RESTRICTIONS ON RELIGIOUS FREEDOM

¶16. (C) Ambassador-at-Large for International Religious Freedom John Hanford presented further views on U.S. concerns over religious freedom in China. Ambassador Hanford reiterated that the U.S. shares China's concern about radical Islam. However, the United States is concerned that restrictions on peaceful religious practices could produce counterproductive results in Xinjiang. The United States is concerned about restrictions on young Muslims, Ambassador Hanford said, citing reports that young Uighur Muslims are often prohibited from practicing their religion before reaching the age of 18. We have even heard reports of mothers being arrested for teaching the Islamic faith to their children. Ambassador Hanford noted reported restrictions on observance of Ramadan, including limits on fasting and praying for government workers, students and members of the Communist Party.

¶17. (C) Ambassador Hanford expressed concern over disturbing reports that the Government had expelled more than 100 foreigners (mostly from Xinjiang), many of them American citizens, for alleged "illegal religious activities." Ambassador Hanford noted that he first raised these expulsions with Chinese Ambassador to the United States, Zhou Wenzhong, in August 2007 and that the U.S. Embassy in Beijing had previously raised this subject with the MFA (Ref B). Ambassador Hanford noted that the United States has welcomed over 30 Confucian Institutes at U.S. universities and that Chinese citizens in the United States have the freedom to share their knowledge, whether it is scientific, mathematical, medical, artistic, linguistic or religious. Ambassador Hanford cited as an example the case of American citizens Steve and Hong-Ying Brannon, which was raised with the MFA in Beijing in a diplomatic note (Ref A). The Government also reportedly arrested Uighur Christian associates of the expelled American citizens. One of them, Alimujiang Yimiti, was put on trial merely for his association with the Brannons. (Note: On the following day, May 27, the Xinjiang court that heard the subversion allegations against Yimiti sent his case back to the prosecution on the basis of "insufficient evidence.") Wusimanyiming, another Uighur Christian, was sentenced to two years of reeducation through labor for allegedly helping foreigners with illegal religious activities. Xinjiang police also recently arrested Uighur Christian Lou Yuanqi for participating in religious gatherings. Ambassador Hanford noted that many of the Uighur Christians recently arrested were involved in house church activities, which was surprising given how peaceful house churches in China have been. He also expressed concern over regulations that prohibit the teaching of Christianity to Uighur Muslims in Xinjiang because they single out a specific religion and a specific ethnic group.

¶18. (C) AFM Liu said that to his knowledge, there is no regulation on fasting during Ramadan. It is clear, he said, in the Chinese constitution that PRC citizens have the right to religious freedom, and minors are citizens, too. China practices the separation of education and religion, as is done in other places, including the United States. In China, the constitution says that no one can use religion to disrupt education. Normal compulsory education in China will not be disrupted for religious education. At the same time, China notes that religion is widely practiced among some minorities. The Government does not interfere in parents' decisions regarding the education of their children. There is "simply no way" that a mother would be arrested for educating her children. But, if such a mother used a stick to beat a child to force him to learn a religion, then she might be arrested.

¶19. (C) Since China launched its reform and opening policies, a growing number of foreigners, including U.S. nationals, have been visiting China, AFM Liu said. Some 5,000 people travel each day between China and the United States. China does not ask such visitors their religious affiliation. As long as they do not violate Chinese law, these people have no problem. There simply is no issue of expelling them. At the same time, just because a person is a foreign national does not give him the power to violate Chinese law. Although claiming no knowledge of the specific case, AFM Liu said it was "impossible" for someone to be arrested merely for his religious beliefs. Otherwise, one cannot explain why there are so many religious believers in China. On the other hand, a religious follower cannot expect to be exempt if he violates the law.

¶20. (C) AFM Liu said the establishment of Confucian Institutes had been supported by both the U.S. and Chinese Governments. The Institutes' main objective is the teaching of Chinese, an issue to which the United States attaches great importance. Secretary Rice

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has also mentioned the importance of studying Chinese. Confucius Institutes serve to promote U.S.-China exchanges in general as well as the study of the Chinese language in the United States. They are not religious organizations. Confucius was a renowned scholar, not a religious figure, AFM Liu stated. (NOTE: The Confucian Institutes describe themselves as centers for training in Chinese language and culture. Cultural events oftentimes do include the subjects of philosophy and religion.)

¶21. (C) Regarding ETIM, AFM Liu said China is grateful for U.S. support of the United Nations Security Council's designation of the group as a terrorist organization. As in other areas, China and the United States have enjoyed fruitful cooperation on counterterrorism issues. China believes terrorism is indiscriminate, so counterterrorism cooperation is required worldwide. Global counterterrorism efforts are only as strong as the weakest link. A country cannot oppose only the terrorists targeting it, but rather must oppose all terrorist groups. China hopes the United States will support the inclusion of the East-Turkestan Liberation Organization (ETLO, aka SHAT) in the UN terrorist organization list. Although our two sides have discussed this issue for a number of years, China believes it is important to continue working on our international counterterrorism efforts, AFM Liu stated.

PRC BIRTH LIMITATION POLICIES

¶22. (C) PRM's Richard Behrend presented U.S. views on China's birth limitation policies. These policies include measures limits on the number, spacing and timing of births, and related enforcement measures such as compulsory abortion and sterilization, social compensation fees and other economic penalties. The policies have harmful consequences for China's development and human rights. According to Chinese demographers, one outcome of PRC policies designed to limit the number of economically dependent children is a rapidly aging population profile, and thus an increase in the societal cost of caring for China's elderly. These same policies have amplified the problem of aborting female fetuses. The gender imbalance may also be contributing to increased trafficking of women.

The experience of many countries demonstrates that, as an economy develops, when given the choice most families will choose to have fewer children. China should honor the commitment made in 1994 at the International Conference on Population and Development to allow parents to decide the number and spacing of their children. The PRC's coercive policies have also led to resistance and resentment, and harsher enforcement measures, a dynamic that creates tension between people and the authorities. Finally, China's policies are inconsistent with parts of the Universal Declaration on Human Rights.

The United States therefore hopes that China will end its birth control regime and move to voluntary family planning.

¶23. (C) AFM Liu Jieyi noted that his comments should not be considered as part of the HRD, given that family planning was not on the HRD agenda. China's family planning policies have brought benefits to the Chinese people and the entire world, AFM Liu argued. Just one example is the fact that even though China possesses only seven percent of the world's total arable land, it feeds 22 percent of the world population and is even a grain exporter. Family planning is also an important component of China's economic growth and thus has helped the Chinese people achieve their human rights, viewed from a "holistic" perspective. The majority of Chinese people welcome these family planning policies, which have been well-received by the international community. Although there have been problems in enforcement at the local level, they are not related to the policies themselves. The Government has already adopted measures to address various issues. Just one example is the prohibition on determining the sex of a fetus prior to birth. When evaluating these policies, one should keep in mind the national conditions of each country and whether those policies benefit the majority of the people. Most

countries do not believe that China's family planning practices violate the Universal Declaration on Human Rights. In fact, the PRC has made "remarkable achievements" over many years by following the principles enshrined in the Universal Declaration, AFM Liu asserted. As a final point, AFM added that there are exceptions to China's family planning policies for example, there are some exemptions for minorities, including those in Tibet.

THE NEXT DIALOGUE MEETING?

¶24. (C) A/S Kramer asked about possible next steps, noting that it had been Washington's turn to host this round of talks. Nevertheless, the U.S. delegation agreed to come to Beijing and greatly appreciated the Chinese side's hospitality. Perhaps both sides can consider October or November as a possible timeframe for another meeting, A/S Kramer said. The Chinese delegation is always welcome in Washington, DC, though the U.S. delegation is also happy to come to China again. Regardless, the U.S. delegation wishes to continue this effort, which was worthwhile for increasing mutual understanding. The U.S. side greatly appreciated the Chinese delegation's seriousness. The goal now is to achieve concrete

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results, A/S Kramer concluded. AFM Liu replied that the HRD had been "quite effective," allowing for a productive and in-depth exchange of views. The Chinese delegation is happy to travel to the United States for the next round of talks but would also welcome the U.S. delegation to Beijing again. China has a "positive" attitude toward continuing our exchange and dialogue on human rights. Both sides should together consider next steps and discuss the details of a next meeting further.

¶25. (U) The delegation cleared this message.
RANDT